

Significant Changes between City of Lawrence Proposed Sign Code and Current Sign Code August 7, 2017

- 1. Proposed sign regulations are based on zoning, land use or lot conditions – not message content.** In the proposed sign code, permanent and temporary signs are regulated in a content-neutral manner with regulations distinguished not by business, service, product, issue or ideology (content-based), but by zoning districts, land use “character” districts (e.g., “historic districts”), zoning land use classifications or special lot conditions (in accordance with the landmark U.S. Supreme Court decision on sign regulation the *Reed v. Gilbert*, AZ case, or *Reed v. Gilbert*). The proposed code sets forth sign allowances (maximum number, individual sign area, total sign area, height, etc.) within three (3) broad “groups” of zoning district classifications (based on intensity of zoning district land uses) for various sign type categories (permanent freestanding monument, wall, pedestrian and internal ground signs; and temporary signs) in a single table rather than within 18 separate sections as in the current code. Changes proposed for the three (3) zoning district “groups” are summarized in Item 5 below.
- 2. Significantly expanded definitions/sign types are proposed.** The proposed sign code has 67 definitions; the current code has 26. Many current definitions have been clarified or expanded. New definitions have been added for sign types mentioned in the current code but not defined, and for sign types previously interpreted to be “similar” to other defined sign types. Fifteen new definitions relate to changeable electronic message center signs (EMCs), which are generally allowed in the proposed code. Sign definitions, types and allowances have been structured to avoid regulation (number of signs, maximum individual sign size, maximum sign height, maximum total area of all signs, etc.) based on message content (per *Reed v. Gilbert*); unlike the current code, the proposed sign code DOES NOT define or categorize signs by message content (no references to real estate signs, area identification signs, political signs, gas/fuel sales pricing signs, time/temperature signs, occupational signs, professional name plate signs, bulletin board sign for public, charitable or religious institutions, etc.).
- 3. Electronic message center signs (EMCs) are generally allowed in the proposed sign code.** In the proposed sign code, EMCs are permitted as a portion of otherwise allowed permanent signs. Permit applications for EMCs would require: (1) sign manufacturer specifications on maximum brightness rating; (2) information on provided automatic dimming controls to ensure appropriate dimming at night (e.g., dusk to dawn); and (3) a signed statement from the property or business owner agreeing to abide by regulations governing sign brightness, dimming and EMC operation.

Other proposed EMC limitations/requirements include: (1) only one EMC is allowed on each lot street frontage; (2) EMCs are limited to permanent freestanding monument signs, wall signs, interior window signs not exceeding a total of 12 square feet and permanent internal ground signs serving drive-through facilities; (3) EMC sign faces must be set back at least 200 feet from any adjacent residentially zoned lot as measured perpendicularly from the sign face, and at least 100 feet from any adjacent residentially zoned lot as measured parallel to the closest edge of the sign; (4) EMCs, when allowed for certain non-residential land uses in residential and office zoning districts, cannot be operated between the hours of 10:00 PM and 7:00 AM; (5) EMC sign area is limited to not more than 50% of allowed permanent freestanding monument sign area, and to not more than 20% of allowed permanent wall sign area; (6) required automatic dimming controls must limit sign brightness to not more than 0.3 foot-candles relative to ambient light (generally, between dusk and dawn); (7) only static display of messages is allowed with at least three seconds between message changes; and (8) messages can only be changed by dissolving or fading transition methods - no scrolling, travelling, flashing or animated transitions are allowed.

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4. **Temporary sign regulations are greatly modified.** Because temporary signs can no longer be regulated based on message content, significant changes from the current code are necessary. In the proposed code, temporary signs are regulated based on zoning district, zoning land use or special lot conditions without reference to the message of the sign (except for obscene matter). There are no longer different temporary sign size, height or number allowances based on a sign's message. Generally, the proposed sign code provides greater flexibility and discretion to property owners and businesses for temporary signs, as outlined in greater detail below. Temporary "feather" type signs, which are not allowed in the current sign code, are allowed in the proposed code in commercial, downtown and industrial zoning districts, but are limited to not more than one feather sign per street frontage. Permits are still required for most types of temporary signs in commercial, downtown and industrial zoning districts, although there are a few exceptions from permits. In the least intense zoning districts (e.g., residential), temporary signs meeting code requirements for maximum number on a lot, size, height, etc. are generally exempt from permitting.

- *Lots in residential and office zoning districts (see Group 1 zoning districts in Item 5).* Temporary signs meeting specified maximum size, height and number allowances would be exempt from both permitting and maximum display time per calendar year. Generally, residential land-use lots would be allowed up to 3 temporary signs (up to 4 for corner lots) at the same time, with no sign exceeding 8 sq. ft. and 4' in height, with total area of all signs not exceeding 16 sq. ft. Allowed non-residential land-use lots would be allowed to have somewhat larger and taller temporary signs and some temporary wall signage. For multifamily land uses, 1 temporary wall sign would be also allowed per building, with a maximum of 2 signs per public street frontage, and a maximum size of 12 sq. ft. per sign. "Feather signs" would not be allowed in any of these zoning districts.

Signs placed on private lots for 50 days prior to and 10 days after the date of a political election, referendum or ballot measure would be exempt from the limit on number of signs.

- *Lots in commercial, downtown and industrial zoning districts (Groups 2 and 3 districts in Item 5).*
 - Maximum temporary sign display time per calendar year would be increased from 30 to 45 days for each individual business or tenant space, and could be divided into multiple shorter periods during the year (e.g., three separate 15-day periods). Current code allows only one maximum 30-day permit for a single sign per year for a business or tenant space. The maximum area of any temporary sign would be 32 sq. ft., and maximum height of any freestanding temporary sign would be 9 ft. One "feather sign" per lot street frontage would be allowed. The maximum number and total area of temporary signs allowed per lot at the same time would be as follows.
 - Single tenant lots: Maximum of 2 freestanding signs on lots with a single street frontage; maximum of 3 signs on lots with multiple street frontages (maximum of 2 signs on any street frontage). Maximum total allowed area of 64 sq. ft.
 - Multi-tenant lots: Maximum of 1 freestanding sign for each tenant space; maximum of 4 on lots with a single street frontage; maximum of 6 freestanding signs on lots with multiple street frontages (maximum of 4 on any street frontage). Maximum total area of 96 sq. ft.
 - For temporary signs attached to building walls, a maximum of 2 temporary signs on building walls facing a public street frontage, with total area of signs not exceeding 5% of the wall area and no individual sign exceeding 32 sq. ft. in area.
 - Temporary sign permits would be required, unless exempt from permitting as follows.
 - Temporary signs placed on lots for sale or for lease, provided they meet other maximum temporary sign area and height limitations. Such signs would not count toward the maximum calendar year temporary sign display time or maximum total temporary sign area.

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- Temporary signs not exceeding 8 sq. ft. placed on lots for 50 days prior to and 10 days after the date of a political election, referendum or ballot measure. Such signs would not count toward the maximum calendar year temporary sign display time.
- Up to 2 temporary signs not exceeding 64 sq. ft. in total combined area, installed on a lot where a building, addition or tenant space is under construction, for the interim period of construction or tenant space finish (called "temporary development signs" in current code).
- Temporary "Minor Signs", as defined in proposed code (4 sq. ft. or less and intended to convey messages to internal users of the site, and generally not visible from the right-of-way) would be exempt from permitting and other temporary sign standards, including maximum display time per calendar year.

5. In proposed Sign Code, allowances for different sign types are set forth in 3 broad zoning district "groups" in a single table rather than in 18 different sections as in current code. Significant changes by each of the three (3) proposed zoning district "groups" are summarized below.

Group 1: Least intense use zoning districts (residential, residential-office, office-commercial, general public and institutional, urban reserve and open space zoning districts, and planned unit and planned office developments).

- Sign allowances for permanent freestanding monument and wall signs for non-residential and multifamily uses in Group 1 zoning districts would be increased to allow somewhat larger wall signs, multiple wall signs for multi-tenant buildings/developments and larger monument signs. The current code severely restricts size and number of signs allowed for these uses in these zoning districts, which has been the impetus for many requested and approved sign variances.
- The proposed code allows permanent freestanding monument signs at each public road access point to a residential subdivision/development of 2 acres or more, not to exceed a total of 2 signs, with a maximum size of 32 sq. ft. per sign and a maximum height of 6 ft. (or up to 48 sq. ft. and 8' in height if set back at least 10' from the street right-of-way property line), and external illumination by indirect white light only. The current code allows "area markers" to identify a residential subdivision/development of 4 acres or more, at same public road access point locations. In current code, such signs can be up to 24 sq. ft., up to 4 ft. tall and cannot be illuminated.
- The current code allows no sign illumination in Group 1 districts. The proposed code prohibits internal illumination of most signs, but allows external illumination of permanent signs by white light only. The proposed code allows changeable electronic message center signs (EMCs) as a portion of allowed freestanding monument signs, with significant limitations and restrictions, in the Office Commercial (CO) zoning district and for certain non-residential land uses in other Group 1 zoning districts (*Community Facilities*, *Religious Assembly* and *Medical Facilities* land uses). Permitted EMCs in Group 1 zoning districts could not be operated between 10:00 PM and 7:00 AM.
- Temporary signs are regulated differently in the proposed code since signs can no longer be regulated based on message content (e.g., "real estate signs" or "political signs") per *Reed v. Gilbert*. The effect of the proposed code changes on temporary signs allowed in Group 1 districts is minimal, with added flexibility and discretion for residential property owners, and for non-residential and office land uses. ***See Item 4 above for temporary sign allowances.***

Group 2: Moderately intense use zoning districts (hospital district, less intense commercial districts, downtown commercial district, less intense industrial districts, planned commercial districts and planned industrial districts).

- In proposed code, sign size, height and number allowances for permanent freestanding monument and wall signs are not significantly different from current code. Proposed code would allow wall signs on 3 building walls, rather than on only 2 walls, in many instances.

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- Changeable electronic message center signs (EMCs) are allowed in the proposed code for a portion of otherwise allowed permanent freestanding or permanent wall sign area, permanent internal ground signs serving drive-through facilities, and interior window signs up to 12 sq. ft. (with limitations and restrictions). The only zoning districts that would not be eligible for EMCs in Group 2 are Inner City Neighborhood Commercial (CN1) and Downtown Commercial (CD).
- Window signs are defined and regulated in the proposed code. Non-illuminated window signs would be exempt from permit and generally unregulated. Internally illuminated window signs with a total area of 12 sq. ft. or less would also be exempt from permit. Permits would be required for internally illuminated window signs exceeding 12 sq. ft. total, and would be regulated in accordance with wall sign allowances. The current code is silent on window signs.
- Temporary signs are regulated much differently in the proposed code since signs can no longer be regulated based on message content (e.g., "real estate signs" or "political signs") per *Reed v. Gilbert*. Proposed temporary sign regulations are the same for both Group 2 and Group 3 zoning district groups. Generally, the proposed code provides greater flexibility and discretion to property owners and businesses for temporary signs. Allowances for total number of temporary signs, maximum individual temporary sign area, maximum total temporary sign area (for multiple signs), maximum temporary sign height, temporary sign location, minimum distance separation between temporary signs and maximum temporary sign display time would be set forth in a single table. ***See Item 4 above for additional detail on temporary sign allowances.***

Group 3: Most intense zoning districts (community and regional commercial districts, and medium and general intensity industrial districts).

- In the proposed code, sign size, height and number allowances for permanent freestanding monument and wall signs are unchanged or slightly increased from current code. The proposed code would allow wall signs on 3 building walls, rather than on only 2 walls, in many instances, and would allow monument signs to be up to 4' taller and up to 12 sq. ft. larger (depending on setback from property line) than allowed in current code.
- Changeable electronic message center signs (EMCs) are allowed in the proposed code for a portion of otherwise allowed permanent freestanding sign or permanent wall sign area (limited to one EMC sign per lot street frontage), for permanent internal ground signs serving drive-through facilities and for interior window signs up to 12 sq. ft.
- Window signs are defined and regulated in the proposed code. Non-illuminated window signs would be exempt from permit and generally unregulated. Internally illuminated window signs with a total area of 12 sq. ft. or less would also be exempt from permit. Permits would be required for internally illuminated window signs exceeding 12 sq. ft. total, and would be regulated in accordance with wall sign allowances. The current code is silent on window signs.
- Proposed temporary sign regulations are the same for both Group 2 and Group 3 zoning district groups. ***See Item 4 above for additional detail on temporary sign allowances.***

- 6. Existing nonconforming off-premise billboard signs and on-premise pole signs.** The proposed code prohibits new off-premise billboard signs and on-premise pole signs, just like the current code that has prohibited them since the mid 1990's. Unlike the current code, the proposed code does not allow existing billboard or pole signs to be "altered" (as newly defined) or rebuilt at the same location if removed, unless made to conform to adopted code standards. The proposed code also requires such signs to conform when redevelopment of a lot is determined to be a Major Development Project that requires site plan approval per the Lawrence Land Development Code (Article 20 of the City Code).

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- 7. Signs, other than governmental signs, are not allowed on public right-of-way.** The proposed Sign Code specifically prohibits signs on public right-of-way, except for governmental signs as defined in the proposed Sign Code and articulated in *Reed v. Gilbert*. All other signs would have to be located on private property with permission of the property owner, and as otherwise allowed by the Sign Code. Signs that are currently approved as “signs of community interest” to promote a specific event or group could still be permitted in the proposed Sign Code, but only when properly located on private property with permission of the private property owner.
- 8. Works of art review process initiated with Cultural Arts Commission instead of with a sign permit.** The term work of art applies to any mural painting or decoration, inscription, mosaic, painted glass, bas-relief and other similar art form of permanent character intended for ornament or commemoration that is applied to, placed upon or erected on an exterior wall of any building or structure. Works of art are currently approved under a required sign permit, which is reviewed with the Cultural Arts Director and Cultural Arts Commission. Upon adoption of the proposed Sign Code, requests for works of art would be initiated with an application to the Cultural Arts Commission, and approved through the Cultural Arts Commission process. If the Cultural Arts Commission determines that all or a portion of a proposed work of art is commercial advertising, then the portion determined to be commercial advertising would be permitted in accordance with Sign Code regulations.
- 9. Sign permit and appeal/variance fees are slightly modified.** Fees for appeals (\$25) and most sign permits are unchanged in the proposed code, except as follows: (1) a new fee for a sign copy/face change is identified (\$50 instead of current \$75); (2) fees for awning and canopy signs (considered to be wall signs in proposed code), with fee being the same as for a wall sign (\$75 instead of current \$25 for an “awning or canopy sign”). Sign Code variance application fees are increased from \$250 to \$350 to match the current zoning variance fee.
- 10. Sign contractor licensing and insurance requirements are clarified and expanded.** A new section on sign contractor licensing and insurance requirements is included in the proposed code. The current code has no specific requirements for sign contractor licensing, although minimum general liability and worker’s compensation proof of insurance is currently required for sign contractors who obtain permits for permanent signs. The City has required businesses that hang or erect signs in Lawrence to obtain a license and to annually renew (as has been required for other construction contracting businesses for many years). In the proposed code, licensing requirements for businesses that contract to hang or erect signs are listed, with an initial licensing fee of \$100 and an annual license renewal fee of \$50 (unchanged from fees that have been charged for many years, though uncoded). The minimum general liability insurance requirement would be increased to \$500,000 from \$100,000. In the proposed code, exceptions to license and insurance requirements are listed (signs otherwise exempt from permit and temporary signs). Exceptions are not listed in current code.
- 11. Definition of abandoned signs, and rules for abatement of and potential fines for illegal, unsafe, abandoned signs are clarified and expanded.** In the proposed code, requirements for issuance of notices and orders by the Building Code Official, and for removal of dangerous or abandoned signs, when necessary, are more clearly outlined. In the proposed code, a sign may be deemed abandoned if it remains on a building or property that has been vacant and unoccupied for a period of one (1) year or more. If abatement or removal of an unsafe or abandoned sign becomes necessary due to failure by the property/sign owner receiving notice to abate or remove, specific notice and procedures for abatement by the City, and for assessment of related costs to the property owner and to the property, are outlined. Current code sets a \$50 minimum fine for other violations of the sign code (when a person is found guilty in Municipal Court). The proposed code establishes a minimum fine of \$500 per violation, with a maximum fine of \$1,000 per violation.